

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

FRESHUB, INC. and FRESHUB, LTD.,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware Corporation,  
AMAZON.COM SERVICES LLC, a Delaware  
Limited Liability Company, PRIME NOW, LLC, a  
Delaware Limited Liability Company, and WHOLE  
FOODS MARKET SERVICES, INC., a Texas  
Corporation,

Defendants.

Case No. 6:21-CV-00511-ADA

**NOTICE RE EVIDENCE FOR BENCH TRIAL  
ON INEQUITABLE CONDUCT**

The Court requested the parties provide the evidence for the bench trial on inequitable conduct for review in camera. Amazon has provided that evidence to the Court on electronic storage media, including the video deposition testimony of Mr. David Weiss. For the completeness of the bench trial record, Amazon is filing the transcript of the designated testimony along with the associated trial exhibits:

- Exhibit A – January 27, 2021 Designated Deposition Testimony of David Weiss;
- Exhibit B –Errata to Exhibit A, dated March 1, 2021;
- Exhibit C - D0288, Log of Documents Withheld or Redacted for Privilege by Knobbe, Martens, Olsen & Bear LLP;
- Exhibit D - D0291, Final Rejection – U.S. Patent Application 11/301,291 (U.S. 9,821,344 file history) Office Action, dated June 6, 2011;
- Exhibit E - D0292, Notice of Abandonment - U.S. Patent Application 11/301,291 (U.S. 9,821,344 file history), dated Jan. 3, 2012;

- Exhibit F - D0293, Ikan Technologies Inc. Patent Assignment, dated December 4, 2012;
- Exhibit G - D0296, Decision on Petition for Revival - U.S. Patent Application 11/301,291 (U.S. 9,821,344 file history), dated April 20, 2017;
- Exhibit H - D0490, Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(a) - U.S. Patent Application 11/301,291 (U.S. 9,821,344 file history), dated January 20, 2107.

Dated: June 21, 2021

Respectfully submitted,

/s/ Todd R. Gregorian

*Of Counsel:*

Barry K. Shelton (TX Bar #24055029)  
bshelton@sheltoncoburn.com  
Bradley Dalton Coburn  
coburn@sheltoncoburn.com  
SHELTON COBURN LLP  
311 RR 620 S, Suite 205  
Austin, TX 78734  
Tel: (512) 263-2165  
Fax: (512) 263-2166

J. David Hadden, (CSB No. 176148)  
Email: dhadden@fenwick.com  
Saina S. Shamilov, (CSB No. 215636)  
Email: sshamilov@fenwick.com  
Todd R. Gregorian (CSB No. 236096)  
Email: tgregorian@fenwick.com  
Ravi R. Ranganath (CSB No. 272981)  
Email: rranganath@fenwick.com  
Allen Wang (CSB No. 278953)  
Email: allen.wang@fenwick.com  
Eric B. Young (CSB No. 318754)  
Email: eyoung@fenwick.com  
**FENWICK & WEST LLP**  
Silicon Valley Center  
801 California Street  
Mountain View, CA 94041  
Telephone: 650.988.8500  
Facsimile: 650.938.5200

*Counsel for Defendants*

AMAZON.COM, INC., AMAZON.COM  
SERVICES LLC, PRIME NOW, LLC, and  
WHOLE FOODS MARKET SERVICES, INC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 21, 2021, a copy of the foregoing was served electronically, via CM/ECF, on all counsel of record who are deemed to have consented such service under the Court's local rules.

By: /s/ Todd R. Gregorian  
Todd R. Gregorian